

REMARKS/ARGUMENTS

Claims 1-6, 8-15, 17-23, and 25 are pending in this Application.

New claim 26 has been added. Applicants submit that support for the newly added claims can be found throughout the specification and the drawings.

Claims 1-6, 8-15, 17-23, 25, and 26 are now pending in the Application after entry of this Amendment. No new matter has been entered.

In the Office Action, claims 1-6, 8, 10-15, 17-23, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,136,873 to Smith et al. (hereinafter "Smith"), in view of U.S. Patent No. 5,978,475 to Schneier et al. (hereinafter "Schneier"), in view of U.S. Patent No. 6, 584, 459 to Cheng et al. (hereinafter "Cheng"), and in view of U.S. Patent No. 6,647, 388 to Numao et al (hereinafter "Numao"). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith, Schneier, Cheng, Numao, and in view of U.S. Patent No. 7,185,192 to Kahn (hereinafter "Kahn").

Claim Rejections Under 35 U.S. C. § 103(a)

Applicants respectfully traverse the rejections to claims 1-6, 8-15, 17-23, and 25 and request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) based on Smith, Schneier, Cheng, Numao, and Kahn. The Office Action alleges that the combination of references teach or disclose all of the claimed limitations of the corresponding claims and that one having ordinary skill in that art at the time of the invention would have been motivated to incorporate the teachings of Smith with the teachings of Schneier, Cheng, Numao, and Kahn.

Applicants, however, respectfully submit that a prima facie case of obviousness has not been established by the evidence presented in the Office Action. In order to establish a prima facie showing of obviousness, three requirements must be satisfied: all limitations of a pending claim must be expressly or impliedly disclosed by prior art references; there must be a suggestion or motivation in the art for the ordinarily skilled artisan to combine the limitations; and there must be a reasonable expectation of success in making such a combination. (M.P.E.P. § 2143).

Applicants respectfully submit that Smith, Schneier, Cheng, Numao, and Kahn, either individually or in combination, fail to teach or suggest one or more of the claim limitations recited in each of claims 1-6, 8-15, 17-23, and 25.

In various embodiments, a user can create security rules that, for example, restrict or grant access contingent on the content of an electronic record. (Application: Paragraph [0079]). Elements within an electronic record can be identified as security elements. These security elements may be included in security rules that form a security protocol. In some embodiments, a secure element is basically an XML element identified in a particular DTD with the special use of being able to create security rules. Thus, access to an electronic record can be restricted or granted based on the content associated with, for example, an XML element that has been identified as a security element to form part of a security rule. (Application: Paragraph [0080])

For example, claim 1 recites the feature of “generating one or more security rules in response to input identifying one or more elements in the unstructured data as elements of the one or more security rules.” The Office Action acknowledges that the combination of Smith, Schneier, and Cheng fails to disclose the above feature and attempts to rely on the disclosure of Numao. The Office Action alleges that Numao discloses the above recited feature in the Numao parameters of Subject, Object, and Operation. Applicants respectfully disagree.

Numao discloses in FIG. 5, step 501 that an access request is received. In step 502 of FIG. 5, Numao discloses that rules are searched according to which access request and parameter matched. Thus, the access request of Numao is different from the rules to which the access request is matched.

Numao however fails to disclose generating one or more security rules in response to input identifying one or more elements in the unstructured data as elements of the one or more security rules. The Subject parameter of Numao is substantially different from an element of unstructured data identified as security element as recited in claim 1. Numao discloses that the Subject parameter merely identifies the user by which a request was submitted. Additionally, the Operation parameter of Numao is substantially different from an element of

unstructured data identified as security element as recited in claim 1. The Operation parameter of Numao is data that identifies an operation, such as read.

Moreover, the Object parameter of Numao is substantially different from an element of unstructured data identified as security element as recited in claim 1. The Object parameter of Numao is merely data used to identify an access target. In each of the examples in Numao, Numao suggests the access targets are XML documents, or more specifically the data that identifies the target is a URL to a document. Numao fails to teach that the URL of the Operation parameter includes one or more elements in the unstructured data as elements of the one or more security rules.

In a further example, in Col. 16, lines 7-12, Numao provides that the following access request is issued:

```
?-acl(amano, role(issuer)  
      doc(http://trl.ibm.com/xmlform/travelExpenseAccount.xml#linp utfield),  
      write("cost=$100")).
```

However, the rule in the policy description of Numao has the following format (Numao: Col. 16, lines 4-6):

```
acl(user(ID), role(issuer),  
      doc(http://trl.ibm.com/xmlform/X), write(*)≤status(log(ID, issuer, X, write, T)).
```

Thus, the rule in the policy description of Numao does not include one or more elements in unstructured data as elements of the one or more security rules as recited in claim 1. Numao fails to disclose that the rules are generated in response to input identifying one or more elements in unstructured data as elements of the one or more security rules as recited in claim 1.

Accordingly, the combination of Numao with Smith, Schneier, and Cheng fails to disclose each and every claim limitation recited in claim 1. Smith, Schneier, Cheng, and Numao either individually or in combination, fail to disclose a method of searching unstructured data where prior to executing a query, the query is modified in accordance with a security protocol to create a modified query, where security protocol protects electronic records against unauthorized access based on one or more security rules whose security elements have been identified from

elements in the unstructured data. Thus, Applicants respectfully submit that claim 1 is allowable over the cited references.

Applicants respectfully submit that independent claims 10, 18, and new claim 26 are allowable for at least a similar rationale as discussed above for the allowability of claim 1, and others. Applicants respectfully submit that dependent claims 2-6 and 8-9, 11-15 and 17, and 19-23 that depend directly and/or indirectly from the independent claims 1, 10, and 19 respectively, are also allowable for at least a similar rationale as discussed above for the allowability of the independent claims. Applicants further respectfully submit that the dependent claims recite additional features that make the dependent claims allowable for additional reasons.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

/Sean F. Parmenter/
Sean F. Parmenter
Reg. No. 53,437

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300
SFP:lls
61245602 v1